

**EDUCATION DEPARTMENT[281]**

**Notice of Intended Action**

**Proposing rule making related to operational function sharing and supplementary weighting and providing an opportunity for public comment**

The State Board of Education hereby proposes to amend Chapter 97, “Supplementary Weighting,” and Chapter 98, “Financial Management of Categorical Funding,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2021 Iowa Acts, House Files 847 and 868.

*Purpose and Summary*

2021 Iowa Acts, House Files 847 and 868, make changes to supplementary weighting due to additional functions or positions eligible for operational sharing, add the teacher leadership supplement as an eligible source from which transfers to the flexibility account may be made, and establish a flexible student support program. These proposed amendments implement those provisions.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 14, 2021. Comments should be directed to:

Thomas Mayes  
Department of Education  
Grimes State Office Building, Second Floor  
400 East 14th Street  
Des Moines, Iowa 50319-0146  
Phone: 515.242.5614  
Email: [thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 97.7(2), introductory paragraph, as follows:

**97.7(2) Operational function area eligibility.** “Operational function sharing” means sharing of managerial personnel in the discrete operational function areas of superintendent management, business management, human resources management, student transportation management, facility operation or maintenance management, curriculum director, master social worker, independent social worker, ~~or~~ school counselor, special education director, work-based learning coordinator, or mental health professional if the mental health professional holds a statement of recognition issued by the board of educational examiners. “Operational function sharing” does not mean sharing of clerical personnel or school principals. The operational function sharing arrangement does not need to be a newly implemented sharing arrangement in order to be eligible for supplementary weighting.

ITEM 2. Adopt the following **new** paragraphs **97.7(2)“i” to “k”**:

*i. Special education director.*

(1) Shared personnel must perform the services of a special education director. An individual performing the function of a special education director must be properly licensed for that position.

(2) Teachers, superintendents, principals, curriculum directors, or other support services personnel in the improvement of instruction services function area shall not be considered a shared special education director under this subrule.

(3) Shared special education director services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

*j. Work-based learning coordinator.*

(1) Shared personnel must perform the services of a work-based learning coordinator. An individual performing the function of a work-based learning coordinator must be properly trained for that position.

(2) Superintendents, principals, curriculum directors, deans of students, school counselors, or other support services personnel in the guidance services function area shall not be considered a shared work-based learning coordinator under this subrule.

(3) Shared work-based learning coordinator services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

*k. Mental health professional.*

(1) Shared personnel must perform the services of a mental health professional. An individual performing the function of a mental health professional must hold a statement of professional recognition issued by the board of educational examiners.

(2) Deans of students, school counselors, or other support services personnel in the guidance services function area shall not be considered a shared mental health professional under this subrule.

(3) Shared mental health professional services shall not include contracting for services from a private provider even if another political subdivision is contracting for services from the same private provider.

ITEM 3. Rescind subrule 97.7(10) and adopt the following **new** subrule in lieu thereof:

**97.7(10) Weighting.** A school district that shares an eligible operational function listed in subrule 97.7(2) shall be assigned a supplementary weighting as stipulated in Iowa Code section 257.11(5) “a.” The supplementary weighting shall be assigned to each discrete operational function shared. The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement or qualifying operational sharing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.

a. A school district that shares an operational function in the area of superintendent management shall be assigned a supplementary weighting of eight pupils for the function.

b. A school district that shares an operational function in the area of business management, human resources management, transportation management, or operation and maintenance management shall be assigned a supplementary weighting of five pupils for the function. For the school budget years beginning July 1, 2022; July 1, 2023; and July 1, 2024, the weighting shall be four pupils.

c. A school district that shares the operational functions of a curriculum director, master social worker, independent social worker, school counselor, work-based learning coordinator, or mental health professional shall be assigned a supplementary weighting of three pupils for the function. For the school budget years beginning July 1, 2022; July 1, 2023; and July 1, 2024, the weighting shall be two pupils.

ITEM 4. Adopt the following **new** subrule 98.25(3):

**98.25(3) Flexibility account.** All or a portion of the amount remaining unexpended and unobligated at the end of a budget year beginning on or after July 1, 2020, may be transferred for deposit into the flexibility account established under Iowa Code section 298A.2, provided all statutory requirements of the teacher leadership program have been met.

ITEM 5. Amend rule 281—98.27(257,298A), introductory paragraph, as follows:

**281—98.27(257,298A) Flexibility account.** Beginning with the budget year beginning July 1, 2017, in accordance with Iowa Code section 298A.2, a flexibility account shall be established in the general fund of each school corporation if the school corporation has authorized a transfer of all or a portion of its unexpended and unobligated funds from any of the following sources: the statewide voluntary preschool program, the professional development supplement, the teacher leadership supplement, and the home school assistance program. Additionally, moneys from any other school district fund or general fund account can be transferred to the flexibility account if the program, purpose, or requirements for expenditure of such moneys have been repealed or are no longer in effect.

ITEM 6. Adopt the following **new** paragraph **98.27(3)“i”**:

i. Support of an approved flexible student and school support program under Iowa Code section 256.11.